



U.S. Department of Justice

*United States Attorney
Southern District of New York*

MEMO ENDORSED

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

October 13, 2022

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Tomer Osovitzki*, S1 19 Cr. 794 (KPF)

Dear Judge Failla:

The Government respectfully submits this letter to update the Court on the status of the parties' ongoing efforts to minimize the issues that remain in dispute, and to request that sentencing be adjourned approximately 60 days. The defendant, by counsel, Sanford Talkin and Noam Greenspan, joins in this request.

The parties have reached agreement on most substantive issues, as set forth in the plea agreement. More recently, the parties have reached agreement on several issues relating to restitution. However, some restitution issues remain unresolved. Several victims have been reimbursed, in part or in full, including in recent weeks. The Government has requested and received additional information and supporting documentation from several victims, including information regarding unreimbursed losses. Last week the Government received an affidavit from the victim that suffered the largest loss, summarizing losses stemming from numerous transactions involving several credit cards held in multiple individuals' names, relating to transactions with a number of merchants. The Government has provided these materials to the defendant's counsel, who continue to diligently review them.

Yesterday, the parties discussed additional information that may enable the parties to reach agreement on a substantial portion of the remaining matters in dispute. The Government has requested this information from the victims at issue.

The parties have discussed the estimated length of sentencing should argument and/or testimony be required for issues that remain in dispute, and believe that no longer than approximately two hours will be necessary.

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Accordingly, the parties respectfully request that the Court adjourn the defendant's sentencing approximately 60 days, and that the Court extend the deadline for the Probation Office's filing of the revised Presentence Investigation Report to 30 days prior to sentencing.

Thank you for your consideration.

Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

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Application GRANTED. The sentencing initially scheduled for October 27, 2022, is hereby ADJOURNED to **January 4, 2023, at 3:00 p.m.** Accordingly, the Court hereby extends the deadline for the Probation Office's filing of the revised Presentence Investigation Report to **December 5, 2022.**

Dated: October 14, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE